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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,167	04/13/2000	Yukio Takahashi	Q58838	7906

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EXAMINER

HENN, TIMOTHY J

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,167

Applicant(s)

TAKAHASHI ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on September 19, 2001. These drawings are acceptable.

Specification

2. The disclosure is objected to because of the following informalities:
 - i. Page 1, Line 17: Change "flush" to "flash".
 - ii. Page 2, Line 10: Change "for the user" to "by the user".
 - iii. Page 3, Line 22: Change "is being" to "are being".
 - iv. Page 10, Line 27: Change "flush to "flash".
 - v. Page 24, Line 1: Change "JPEG is" to "JPEG method is".
 - vi. Page 21, Line 8: Change "JPEG Method" to "JPEG method".

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-10 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US 6,486,914).

[claim 1]

7. In regard to claim 1, note that Anderson discloses a digital camera comprising an image pickup device (Figure 2, Item 244), a display portion capable of displaying a plurality of set information items (Figure 3, Item 402), a plurality of input devices (Figure 4, Items 410a, 410b, 411a, 411b, 413, 415) disposed adjacent to the set information items displayed on the display portion (Figure 7A, Items 410a, 410b, 410c), a changing device which changes at least one of the set information items in accordance with the input to at least one of the input devices which is disposed adjacent to at least one of the set information items (Column 7, Line 54 – Column 8, Line 41), a control portion which controls the digital camera in accordance with at least one of the set information items (Column 7, Line 54 – Column 8, Line 41) and a shutter button capable of inputting an instruction to start photographing to the control portion (Figure 5, Item 418).

[claim 2]

8. In regard to claim 2, note that Anderson includes a plurality of input devices (Figure 4, Items 413, 415) disposed along a periphery of a display portion in a first direction which is parallel with an axial line of the shutter button (Figure 5, Item 418) and

a plurality of second input devices disposed in a second direction perpendicular to the first direction (Figure 4, Items 412).

[claim 3]

9. In regard to claim 3, note that the first input devices of Anderson (Figure 4, Items 413, 415) are disposed along a first side of the display portion adjacent to the shutter button (Figure 5, Item 418) and the second input devices (Figure 4, Items 412) are disposed along a second side of the display portion opposite to a third side of the display portion adjacent to the shutter button, across the display portion (Figure 4).

[claim 6]

10. In regard to claim 6, note that the display portion is capable of displaying an image in accordance with the image data (Figure 7B; Column 7, Lines 38-47).

[claim 7]

11. In regard to claim 7, note that Anderson discloses a digital camera comprising an image pickup device (Figure 2, Item 244), a display portion capable of displaying a plurality of set information items (Figure 3, Item 402), a display portion capable of displaying at least on setting screen including a plurality of set information items (Figure 9B), a plurality of input devices (Figure 4, Items 410a, 410b, 411a, 411b, 413, 415) disposed adjacent to the set information items displayed on the display portion (Figure 7A, Items 410a, 410b, 410c), a changing device which changes at least one of the set information items in accordance with the input to at least one of the input devices which is disposed adjacent to at least one of the set information items (Column 7, Line 54 – Column 8, Line 41), a control portion which controls the digital camera in accordance

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with at least one of the set information items (Column 7, Line 54 – Column 8, Line 41) and a shutter button capable of inputting an instruction to start photographing to the control portion (Figure 5, Item 418).

[claim 8]

12. As to claim 8, see the discussion of claim 2.

[claim 9]

13. As to claim 9, see the discussion of claim 3.

[claim 10]

14. As to claim 10, see the discussion of claim 4.

[claim 13]

15. As to claim 13, see the discussion of claim 6.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,486,914) in view of Miller et al. (US 6,310,648).

[claim 4]

18. In regard to claim 4, note that Anderson discloses a digital camera which meets the requirements set forth in claim 3 as discussed above. Therefore, it can be seen that

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Anderson lacks information items including shutter speed, aperture, white balance and flash.

19. Miller et al. teaches a digital camera with a soft key/menu user interface which includes the ability of displaying information set items related to shutter speed, aperture and white balance (Column 9, Lines 10-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include information set items related to shutter speed, aperture and white balance to allow better access to information items by the user.

[claim 11]

20. As to claim 11, see the discussion of claim 4.

21. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,486,914) in view of Miller et al. (US 6,233,015).

[claim 5]

22. In regard to claim 5, note that Anderson discloses a digital camera which meets the requirements set forth in claim 3 as discussed above. Therefore, it can be seen that Anderson lacks a circularly changing device, which circularly changes a plurality of contents of the set information items whenever input to the input devices is performed.

23. Miller et al. discloses a digital camera which includes scroll keys (Figure 3, Items 24, 26) disposed adjacent to thumbnail images or "set information items" (Figure 3, Items 42, 44, 46) which are scrollable in a circular pattern to allow the user to repeatedly scroll through a list of images without being forced to change directions. It would have

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been obvious to one of ordinary skill in the art at the time the invention was made to combine the circular scrolling of Miller et al. with the camera of Anderson to allow a user to circularly scroll through a list of information items without requiring the user to change directions.

[claim 12]

24. As to claim 12, see the discussion of claim 5.

Allowable Subject Matter

25. Claims 14-20 are allowed.

[claims 14-20]

26. In regard to claims 14-20, the prior art does not teach or fairly suggest a digital camera in which a group of alternatives are circularly scrollable if the number of alternatives of the set information items is less than a predetermined number, and a selection screen is displayed when the number of alternatives of the set information items is greater than a predetermined number.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in consumer electronics user interfaces.

- | | | |
|-----|----------|--------------|
| i. | Smith | US 4,856,081 |
| ii. | Anderson | US 6,249,316 |

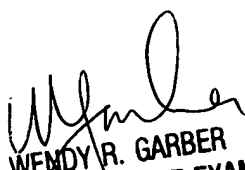
iii.	Swayze	US 6,519,003
iv.	Torres et al.	US 6,608,650

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TJH
12-12-2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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